

DELEGATE JAMES (presiding): Do we have copies of Amendment G to be distributed? This will be Amendment No. 10, the amendment marked "G".

The Clerk will read the amendment.

READING CLERK: Amendment No. 10 to Committee Recommendations GP-7, GP-8, GP-9, GP-9, GP-12, R&P-1, and LB-3, as amended by Style Committee Report S&D-17 by Delegate Weidemeyer:

On page 2, section 10.03, Constitutional Convention in line 30 strike out the words "on the question" and insert in lieu thereof the words "at the election".

DELEGATE JAMES (presiding): Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. President and members of the Convention, we have several methods now of calling a constitutional convention. We are far more liberal in the calling of a constitutional convention than any of our previous Constitutions, 1776, 1851, 1864, or 1867. We now have, as you have it in 10.03, that the legislature by a bare majority at any time may call a constitutional convention.

Secondly, the legislature can submit it to the people at any time for a vote. Thirdly, if neither one of those procedures has been followed and a constitutional convention—or they have not taken the sense of the people, within twenty years, the legislature must. That is the third.

By and large if it is submitted to the people we get away from our old provisions, our time honored concepts, of having a majority of the people vote at the election to vote for it. You have in here the words "with the majority of those voting on the question". That means exactly this; that if we have a general election and 900,000 people vote for governor but only 100,000 people vote on the question of calling a constitutional convention, 50,002 votes would be a majority of that 100,000, and here a bare minority of this State would be calling a constitutional convention, to upset and disturb every basic fundamental law we have enacted.

The words "at the election" or "at such election" have been construed by numerous courts as meaning a majority of the votes cast at the election. For example, if there were 900,000 voting for governor, then if 450,000 or 451,000 would be a majority of those voting for governor, it would seem to me that it is entirely reasonable, before we disturb and try to fool

around with the basic law of our land, that there should be a demand and a request by the majority of our citizens. Otherwise, we are going to have minority rule instead of majority rule. We will get back to the days when they had three constitutional conventions in 16 years. We had one in 1851, one in 1864, and again one in 1867. Just imagine what that did to the morale of the people of the State who did not know from one day to the next whether their basic structure of law was going to be changed?

I say to you this: That if you have no faith, if you have no faith in this document we are writing, then you want to leave this in here just as it is, so that anybody at any time can come in and call a constitutional convention. If you leave it that way and there were only ten people that voted on it and the rest aborted, those people could call a constitutional convention.

If you have no faith in this document you are writing today, leave it as it is; but if you have faith in stability of government and also in this document you are writing today you will adopt by amendment, so that if it is submitted to the people it must be then a majority of all the people voting at the election, so that it would give a true sense of the people as to whether or not they want a convention called and the basic document disturbed.

That, Mr. President, is the sum and substance of it. It takes out three words, puts in three other words; but it will mean a lot to the stability of the government of the State of Maryland.

I ask you to adopt the amendment.

DELEGATE JAMES (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: I rise respectfully to disagree with my amiable and genial friend, Delegate Weidemeyer of Anne Arundel County.

I submit to Delegate Weidemeyer that if we elected members of the Senate and House of Delegates in the same fashion which he suggests, that if a governor got 500,000 votes, assuming that to be the total number who voted for him in the election, and a member of the House of Delegates only got 245,000 votes, even though he led the ticket, neither he nor any of his compatriots would be elected to the General Assembly; because if you use the yardstick of the majority of those who vote in an election, it may well be that no